

### **REMARKS**

Claims 1-11 and 13-19 are pending in the application. Claims 1, 8, 13, and 15 are amended herein. Claims 1-11 and 13-19 stand rejected as being allegedly unpatentable pursuant to 35 U.S.C. § 103. The drawings have been objected to as being allegedly in violation of 37 C.F.R. § 1.83(a).

Fig. 8 is being added through this amendment in response to the Office Action's objections to the drawings and its comments regarding claim 14. Support for Figure 8, and the accompanying modifications to the specification, can be at least found at page 5, lines 22-25 of the originally filed specification.

Claims 1, 5-6, and 8 stand rejected as being allegedly unpatentable over Yavitz (5,600,902) in view of Evans (6,032,386). In making this rejection, the Office action argues that "it would have been obvious to use a sneaker with a planar sole as is well known and taught by Evans and to provide a plurality of cleats as the traction means on the removable outersole as taught by Evans in the footwear system of Yavitz to provide a different known style of sneaker and to provide increased traction; different levels of traction, or different types of traction." In other words, the Office action is seeking to modify Yavitz to include a plurality of spikes or other sports cleats on the underside of its article or pad 10. The undersigned submits that such a modification is impermissible because Yavitz teaches away from such a combination and because such a combination would render Yavitz useless for its intended purpose.

Yavitz is entitled "Removable Pads For Use With Spiked Golf Shoes To Protect Putting Greens" (emphasis added) and regards an article "designed for attachment to golf shoes to protect the surface integrity of putting greens on a golf course." See Yavitz Abstract. The pad or article in Yavitz can be "removably attached to the bottom of a golf shoe to prevent conventional spikes from penetrating the surface of the green." See Yavitz Abstract. Thus, Yavitz regards a system for protecting putting greens from golf shoe spikes. See, e.g., Yavitz Abstract; col. 1, lines 9-10; see *a/so*, col. 2, lines 5-6; col. 3, lines 42-46; and col. 4, lines 5-7. Consequently, Yavitz teaches away from placing spikes on the bottom of the pad 10 as such spikes would be deleterious to putting greens, something Yavitz is seeking to cure. Thus, the combination suggested

by the Office action is contrary to Yavitz teachings. Furthermore, if spike or athletic cleats were placed on the bottom of the pad 10 of Yavitz, the pad 10 would no longer be useful for its intended purpose and the pad in Yavitz would no longer function as intended. This is further proof that the modification suggested by the Office action is improper. For each of these reasons, claims 1 and 8, and their dependent claims, are all patentable over Yavitz and Evans.

Still further, as to claim 8, the undersigned submits that neither Yavitz nor Evans discloses or suggests a system containing a sneaker having a permanent continuous treaded external sole and a removable outersole having a single rigid planar unhinged sole plate as recited therein. Rather, in both Yavitz and Evans the base footwear contains some sort of spike on its sole surface, thus, it is not a continuous treaded external sole as recited in the claim. In fact, there would be no reason to use the supplemental soles in Yavitz or Evan if the base footwear was continuous and treaded as recited in the claim, because both Evans and Yavitz seek to accommodate spikes on the bottom of the surface of the footwear. For these reasons as well, claim 8, and all of its dependent claims, are patentable over Yavitz and Evans.

Claims 2 and 9 stand rejected under 35 U.S.C. § 103(a). The undersigned submits that it would be improper to modify Yavitz with a cap or strap band as suggested by the Office action, because this would further complicate the manner in which the pad is attached to the foot wear in Yavitz. Yavitz teaches that the pad 10 is coupled to a golfer's shoe by "simply plac[ing] a pair of pads 10 on the ground, [and] step[ping] onto the pads 10 to permit penetration of the spikes." Thus, Yavitz teaches a simple process for attaching the pad 10 to a golf shoe. (Each of the other embodiments of Yavitz are also designed to permit the golfer to simply place the pads on the ground and step into them.) If the pad 10 were modified, as suggested by the Office action, the golfer would no longer be able to simply step into the pad to attach it to his or her shoe. Instead, a golfer would be forced to take additional steps to couple the pad to the golf shoe. Such a change is not obvious. Rather, it is counterintuitive as it would further complicate the coupling process of Yavitz. Thus, the undersigned submits that such a combination of references is impermissible.

Claim 13 stands rejected under 35 U.S.C. § 103. Claim 13 is directed to a

method of securing turf knobs to a spikeless athletic foot covering with bottom treads and a top. Conversely, both Yavitz and Evans regard shoes that contain spikes on their soles. Thus, they do not regard the method to which the claims are directed.

Moreover, drawing from the above discussion of claims 1 and 8, the undersigned submits that it would be improper to add turf knobs to the bottom of the pad 10 of Yavitz as this would go against the purpose and operation of Yavitz. Accordingly, for each of these reasons, claims 13-19 are patentable over the cited art.

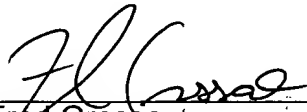
As to claim 14, the undersigned submits that it is improper to suggest that Yavitz can be modified by any of the cited references to include the step of lacing a support band over the top of the athletic foot covering as recited in claim 14. As discussed above, Yavitz addresses "simply" stepping onto the pad 10. Adding a lacing step or any other attachment step would impermissibly complicate the simple coupling process taught by Yavitz. For at least this reason claim 14 is patentable over the cited art.

## CONCLUSION

The undersigned requests reconsideration and allowance of each of the rejected claims.

The Examiner is invited to contact the undersigned at 202-220-4311 with any questions or comments.

Respectfully submitted,



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Date: July 2, 2003

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